

NO. PD-0618-16

CLINTON DAVID BECK

v.

THE STATE OF TEXAS

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IN THE COURT OF

COURT OF CRIMINAL APPEALS

12/2/2016
CRIMINAL APPEALS CLERK

AT AUSTIN, TEXAS

**STATE'S UNOPPOSED FIRST MOTION TO EXTEND TIME TO FILE
BRIEF**

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes the State of Texas, Appellee in the above-styled and -numbered cause, and moves for an extension of time of 29 days to file Appellee's brief, and for good cause would show the following:

I.

Appellant was charged by indictment with Improper Relationship Between Educator and Student and Online Solicitation of a Minor on April 13, 2011 in the 207th Judicial District Court of Comal County in CR2011-197. After pleading guilty to Count II, Improper Relationship Between Educator and Student, the trial court sentenced Appellant to ten years confinement and suspended the sentence for a period of ten years. Appellant was also required to forfeit his teaching license and not apply for any future teaching license in the United States. On September 4, 2014, Appellant filed an Application for Writ of Habeas Corpus under article 11.072 of the Texas Code of Criminal Procedure. After the trial court denied the Application, Appellant appealed. The Third Court affirmed the denial in *Ex parte*

Beck, 03-14-00818-CR, 2016 WL 2732131, at *8 (Tex. App.—Austin May 4, 2016, pet. granted) (not designated for publication). After briefing was ordered in this Court, Appellant was granted a 30-day extension and his brief was filed on November 1, 2016. Appellee’s brief is currently due on December 1, 2016.

II.

I am handling the appeal for the State in this case. Although I began working on the State’s brief shortly after Appellant’s brief was filed, I have had to devote time to several other projects this past month. In the course of my normal responsibilities I have handled several expunctions and conducted significant research on appellate issues for other attorneys in the office. I have been working on a petition for writ of mandamus which will likely be filed today, and I have to file a State’s answer to a writ of habeas corpus before the 9th of December. After that I will finish the instant brief before returning to a brief for another Court. Because of the foregoing, I have not yet been able to finish the State’s response, and respectfully request an extension of 29 days to file the State’s brief in the instant cause. This is the first extension sought by Appellee, and it is not opposed by Appellant.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, the State’s counsel respectfully prays for an extension of 29 days, until December 30, 2016, so that an

adequate response may be made to Appellant's brief. This extension is not requested for purposes of delay but so that justice may be done.

Respectfully submitted,

/s/ Joshua D. Presley

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CERTIFICATE OF SERVICE

I, Joshua D. Presley, Assistant District Attorney for the State of Texas, Appellee, hereby certify that a true and correct copy of this *State's Unopposed First Motion to Extend Time to File Brief* has been delivered to Appellant CLINTON DAVID BECK's attorneys in this matter:

Terri R. Zimmermann & Jack B. Zimmermann

Terri.Zimmermann@ZLZSlaw.com & Jack.Zimmermann@ZLZSlaw.com

770 South Post Oak Lane, Suite 620

Houston, TX 77056

Counsel for Appellant on Appeal

By electronically sending it to the above-listed email addresses through efile.txcourts.gov, this 1st day of December, 2016.

/s/ Joshua D. Presley

Joshua D. Presley